Patent
Attorney's Docket No. 004900-200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
	)	
Jacques BOURDON et al.	)	Group Art Unit: 1621
	)	
Application No.: 09/889,957	)	Examiner: Elvis O. Price
	)	
Filed: December 5, 2001	)	Confirmation No.: 3186
	)	
For: METHOD AND INSTALLATION FOR SEPARATING AND PURIFYING DIPHENOLS IN THE PHENOL AND PHENOL DERIVATIVES INDUSTRY	)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Requirement for Election issued October 3, 2003, Applicants hereby elect, with traverse, the invention of Group I, claims 1-11, directed to a process for separation and purification of a crude mixture comprising hydroquinone and resorcinol, optionally tars, and optionally catechol.

Reconsideration of the Requirement for Restriction is respectfully requested in light of the following remarks.

The subject application is a "national phase application" filed pursuant to 35 U.S.C. §371, which requires a demonstration of lack of unity of invention prior to a requirement for election. According to MPEP Section 1893.03(d):

> [W]hen making a lack of unity of invention requirement, the Examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. [Emphasis added.]
>
> On page 2 of the Requirement for Election, the Examiner takes the position that:
>
> There is no special technical feature that unites Group I with Group II. Group I does not require the particulars of Group II in that the process for separating and purifying a crude mixture of hydroquinone and resorcinol can be carried out with rectification equipment known in the art, such as disclosed in FR 2 467 155 A. Thus, unity of invention is lacking for Groups I and II.

Applicants respectfully submit that the Official Action has not made the requisite showing of why the presented claims lack unity of invention. In particular, Applicants submit that the claims of Group I and Group II are linked to form a single general inventive concept because there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. Specifically, claim 1 is directed to a process for separation and purification of a crude mixture comprising hydroquinone and resorcinol, (I, II and III), in which process the crude mixture is subjected to a series of distillation stages followed by a refining stage (IV or V). Similarly, claim 12, is directed to a plant for the separation and purification of a crude mixture comprising hydroquinone and resorcinol, wherein the plant comprises distillation columns (I, II and III) for performing the distillation stages (I, II and III) and one or more refining devices (IV, V) for performing the refining stages (IV or V), recited in claim 1.

MPEP Section 1893.03(d) states that an apparatus or means is specifically designed for carrying out the process when the apparatus or means is suitable for carrying out the

process with the technical relationship being present between the claimed apparatus or means and the claimed process. The expression "specifically designed" does not imply that the apparatus or means could not be used for carrying out any other process nor does it imply that the process could be carried out using an alternative apparatus or means.

Clearly, because the claimed process and plant are related to a single general inventive concept, i.e., the recited distillation and refining stages (I, II, III, IV, V) and/or operations for separation and purification of a crude mixture comprising hydroquinone and resorcinol, there is in fact unity of invention between the claims of Group I and II.

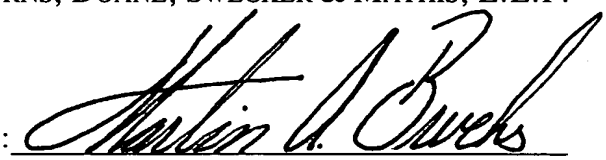
Additionally, Applicants respectfully submit that the Official Action has not made the requisite showing of why the claims of Group I and II lack unity of invention because, as required by MPEP Section 1893.03(d), the Official Action has not provided a specific description of each Group's unique technical features.

For at least the above reasons, and in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office, it is respectfully requested that the Restriction Requirement be reconsidered and withdrawn.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 25, 2003

By: 

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AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

[X] A Petition for Extension of Time is also enclosed.

[ ] A Terminal Disclaimer and the [ ] $55.00 (2814) [ ] $110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.

[ ] Also enclosed is/are _____.

[ ] Small entity status is hereby claimed.

[ ] Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the [ ] $385.00 (2801) [ ] $770.00 (1801) fee due under 37 C.F.R. § 1.17(e).

[ ] Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

[ ] Applicant(s) previously submitted ___, on ___, for which continued examination is requested.

[ ] Applicant(s) requests suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

[ ] A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

[X] No additional claim fee is required.

[ ] An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims	20	MINUS 20 =	0	× $18.00 (1202) =	0
Independent Claims	1	MINUS 3 =	0	× $86.00 (1201) =	0
If Amendment adds multiple dependent claims, add $290.00 (1203)					
Total Claim Amendment Fee					
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					0

[X] A check in the amount of $ 110.00 is enclosed for the fee due.

[ ] Charge $_____ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 25, 2003

By: _____
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Registration No. 45,635

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